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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,710	12/03/2003	William Samuel Herz	NVID-077/00US P00789	6902
23419 7590 08/03/2007 COOLEY GODWARD KRONISH LLP ATTN: Patent Group Suite 500 1200 - 19th Street, NW Washington, DC 20036-2402			EXAMINER ZHAO, DAQUAN	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 08/03/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/727,710	Applicant(s) HERZ, WILLIAM SAMUEL	
	Examiner Daquan Zhao	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 11-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 19-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/03/2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-10, 19-22, drawn to an apparatus to process an audio/video program, comprising: a preferences module configured to coordinate the specification of a presentation setting with a portion of said audio/video program; a presentation module coupled to said preferences module, said presentation module being configured to selectively apply said presentation setting to said portion of said audio/video program during subsequent playback of said audio/video program and classified in class 386, subclass 95.
 - II. Claims 11-18, drawn to a computer-readable medium, comprising: instructions to coordinate a specification of a first display setting with a first video frame of a plurality of video frames; instructions to coordinate a specification of a second display setting with a second video frame of said plurality of video frames; and instructions to apply, during subsequent playback of said plurality of video frames, said first and second display setting to said first and second video frames, respectively, wherein said first and second display setting are associated with different scaling factors, different aspect ratios, instructions to facilitate said specification of said first display setting include instructions to define a target region as included in said first video frame, said instructions to facilitate said

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specification of said second display setting include instructions to shift said target region as included in said second video frame, and to apply first and second settings to coordinate display of portion of first and second video frames corresponding to said target region. classified in class 386, subclass 46.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because Group I does not need "first and second display setting are associated with different scaling factors, different aspect ratios, instructions to facilitated said specification of said first display setting include instructions to define a target region as included in said first video frame, said instructions to facilitated said specification of said second display setting include instructions to shift said target region as included in said second video frame, and to apply first and second settings to coordinate display of portion of first and second video frames corresponding to said target region." . The subcombination has separate utility such as wherein said first and second display setting are associated with different scaling factors, different aspect ratios, instructions to facilitated said specification of said

first display setting include instructions to define a target region as included in said first video frame, said instructions to facilitated said specification of said second display setting include instructions to shift said target region as included in said second video frame, and to apply first and second settings to coordinate display of portion of first and second video frames corresponding to said target region.

The examiner has required restriction between combination and subcombination inventions. Where applicant elects a subcombination, and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

3. During a telephone conversation with applicant's representative, Cliff, Liu, on 7/26/2007 a provisional election was made with traverse to prosecute the invention of Group I, claim 1-10, 19-22. Affirmation of this election must be made by applicant in replying to this Office action. Group II, claims 11-18, are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 3, 4, 5, 6, 7, 8, 9, 10, 19, 20, 21, 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsujimura et al (US 6,009,233).

Regarding claim 1, Tsujimura et al teach an apparatus to process an audio/video program, comprising:

a preferences module configured to coordinate the specification of a presentation setting with a portion of said audio/video program (e.g. figure 1, column 4, lines 15-27, mode controller 2); and

a presentation module(e.g. figure 1, column 4, lines 15-27, signal processing controller 4) coupled to said preferences module, said presentation module being configured to selectively apply said presentation setting to said portion of said audio/video program during subsequent playback of said audio/video program (e.g. column 1, lines 39-45, video data is reproduced in accordance with the setting).

Regarding claim 19, Tsujimura et al teach A method of processing an audio/video program, comprising: coordinating storage of a plurality of user-specified presentation settings, each user-specified presentation setting of said plurality of user-specified presentation settings being associated with a respective portion of said audio/video program; and coordinating playback of said audio/video program based on said plurality of user-specified presentation settings (e.g. column 4, lines 15-44, settings are inputted by user with the hand deviation controller 5).

Regarding claims 3 and 20, Tsujimura et al teach presentation setting corresponds to one of an audio setting and a display setting (e.g. column 8, lines 17-36, audio type setting).

Regarding claim 4, Tsujimura et al teach said audio setting corresponds to one of an audio channel setting, an audio field setting, an audio format setting, a dynamic range setting, a language setting, a pitch setting, a playback speed setting, a tone setting, and a volume setting (e.g. column 8, lines 17-36, language setting).

Regarding claim 5, Tsujimura et al teach said display setting corresponds to one of a brightness setting, a black and white setting, a contrast setting, a color setting, a fast motion setting, a flicker setting, a gamma setting, a hue setting, a letterbox setting, a non-square zoom setting, a pan and scan setting, a pillar-box setting, a pixel

blurring setting, a pixel sharpening setting, a red-eye setting, a slow motion setting, and a zoom setting (e.g. column 9, lines 1-11, color frames enable flag).

Regarding claim 6; Tsujimura et al teach preferences module is configured to coordinate storage of said presentation setting for said portion of said audio/video program (e.g. column 4, lines 15-44).

Regarding claim 7, Tsujimura et al teach a memory coupled to said preferences modules and said presentation module, said memory being configured to stored said presentation setting fro said portion of said audio/video program (e.g. column 4, lines 15-44).

Regarding claim 9, Tsujimura et al teach presentation module is configured to selectively apply said presentation setting to said portion of said audio/video program during initial playback of said audio/video program (e.g. column 1, lines 44-50, the camera setting can be applied to the video manually by user during initial palyback).

Regarding claim 10, Tsujimura et al teach presentation module is configured to apply a predetermined presentation setting to a remaining portion of said audio/video program during subsequent playback of said audio/video program (e.g. column 1, lines 44-50, the camera setting can be applied to the video manually by user again after the duration of initial playback).

Regarding claim 8, Tsujimura et al teach said presentation setting and said portion of said audio/video program correspond to a first presentation setting and a first portion of said audio/video program, respectively, said preferences module is configured to coordinate a specification of second presentation setting with a second portion of said

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audio/video program, and said presentation module is configured to selectively apply said second presentation setting to said second portion of said audio video program during subsequent playback of said audio/video program (e.g. column 1, lines 45-50 and column 4, lines 15-44 teach the camera setting can be manual changed by user. therefore, user can playback part of the video with the predetermined setting and then manually change the setting.)

Regarding claim 21, Tsujimura et al teach plurality of user-specified presentation settings corresponds to different display settings (e.g. column 4, lines 15-44, white balance, iris, and shutter speed... etc are different display setting).

Regarding claim 22, Tsujimura et al teach coordinating playback of said audio/video program includes sequentially applying plurality of user-specified presentation settings to respective portions of said audio/video program (e.g. column 1, lines 45-50 and column 4, lines 15-44 teach the camera setting can be manual changed by user. therefore, user can playback part of the video with the predetermined setting and then manually change the setting again and again to play the video).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsujimura et al (US 6,009,233) as applied to claims 1, 3, 4, 5, 6, 7, 8, 9, 10, 19, 20, 21, 22 above, and further in view of Kaneko et al (US 2004/0,128,701 A1).

See the teaching of Tsujimura et al above.

Regarding claim 2, Tsujimura et al fail to teach coordinating specification of said presentation setting with said portion of said audio/video program based on a time stamp associated with said portion of said audio/video program. Kaneko et al teach coordinating specification of said presentation setting with said portion of said audio/video program based on a time stamp associated with said portion of said audio/video program (e.g. paragraph [0077], presentation setting-> lightness and color tone). It would have been obvious for one ordinary skill in the art at the time the invention was made to incorporate the teaching of Kaneko et al into the teaching of Tsujimura et al for display efficiency.

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Conclusion



3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chen et al (US 5,432,932); Parulski et al (US 5,270,831).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daquan Zhao whose telephone number is (571) 270-1119. The examiner can normally be reached on M-Fri. 7:30 -5, alt Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai Q, can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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